

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Review of Part 15 and other Parts of the Commission's Rules) ET Docket No. 01-278
) RM-9375
) RM-10051

To: The Commission

**REPLY COMMENTS OF THE ILLINOIS REPEATER ASSOCIATION,
INC. (IRA) IN RESPONSE TO NOTICE OF PROPOSED RULE MAKING**

The Illinois Repeater Association, Inc. (IRA), respectfully submits reply comments in response to the Notice portion of the *Notice of Proposed Rule Making and Order* (the "Notice"), FCC 01-290, 66 Fed. Reg. 56793, released October 15, 2001. The Notice proposes changes in the Federal Communication Commission's Part 15 rules governing unlicensed, periodic, intentional radiators so as to permit increased duty cycles and increased maximum field strengths for radio frequency identification (RFID) systems in the 70 Cm band allocation currently assigned to the Amateur Radio Service on a secondary basis. The IRA is opposed to the SAVI Technologies, Inc., proposal (RM-10051) that has been attached to and made part of ET Docket 01-278 because of the high probability that interference would be inflicted on the extensive, and very sensitive Amateur Radio communications conducted in the 420-450 MHz band, and especially around 433 MHz.

I. Introduction

The Illinois Repeater Association, Inc., is an Amateur Radio Service (ARS) repeater frequency coordination organization established and operated by ARS licensees for the purpose of providing repeater frequency coordination services in the ARS frequency sub-bands of 29.510 and higher pursuant to Commission rules §97.201 (c) and §97.205 (c). The IRA provides these services to ARS licensees wanting to operate repeaters within the State of Illinois and has the support of virtually all the entire ARS licensees residing in the state. The Illinois Repeater Association has coordinated several hundred amateur station, auxiliary, and repeater control links, as well as hundreds of repeater input/output frequency pairs in the 70 Cm sub-band allocated by the Commission for this use. These comments are respectfully submitted by the Illinois Repeater Association, Inc., on behalf of its members and the 23,800 plus Amateur Radio Service licensees in Illinois.

II. Amateur Radio Service Use of the 70 Centimeter Band

The 70 Cm band, allocated to the ARS on a secondary basis, is the second most popular amateur radio frequency band in the United States. A lot of this use is not readily apparent by virtue of the type of use. Simply scanning through the amateur FM repeater output frequencies is not a proper measure of activity. The Illinois Repeater association has coordinated hundreds of repeater control link, and station auxiliary link frequencies that are not published or monitored on a regular basis. The association has also acted to minimize amateur-to-amateur interference in the 432 to 438 MHz portion of the 70 Cm band where weak signal research and propagation studies are performed by ARS licensees to further the state of the radio art pursuant to Commission rules §97.1 (b) and (c).

III. SAVI Technologies Proposal

The SAVI Technologies Petition for Rulemaking (RM-10051) if approved as now stated, would allow a radio frequency identification (RFID) tag system using increased transmitter power of far longer duration than is currently allowed under Part 15 of the Commission's rules. In many applications, hundreds of tag transceivers making numerous transmission retries would result continuous durations for long periods of time. Nowhere in the SAVI petition is there evidence of a technical analysis stating their proposal will not interfere with the licensed users of this spectrum. Devices operating under Part 15 shall not interfere with and must accept interference from licensed users. Absent this technical analysis, it must be understood by all parties that the SAVI proposal will interfere with licensed users of the 70 Cm band. Further, there is no proposed interference remedy once the RFID system is in the field. If the Commission were to approve RM-10051 it would be effectively abrogating portions of an Act of Congress.

Section 301 of the Communications Act of 1934, as amended (47 U.S.C. §301) is very clear as to the obligation of anyone who operates or uses an "apparatus for the transmission of energy or communications or signals by radio...from one place in any State, Territory, or possession of the United States or in the District of Columbia to another place in the same State, Territory, possession or District;...or...within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State; or...upon any vessel or aircraft of the United States...or... upon any other mobile stations." No such apparatus can be used or

operated "except under and in accordance with this chapter and with a license in that behalf granted under the provisions of this chapter." There are no exceptions to this licensing requirement.

IV. The Commission Is Ignoring Technical Analysis of Interference To Licensed Users of the 70 Centimeter Band.

The National Association For Amateur Radio (ARRL) has strongly and repeatedly opposed the SAVI petition through every step leading up to ET Docket 01-278. Yet the Commission has paid little, if any, attention to the ARRL's comments and technical analysis¹ supporting its contention that ARS licensees using the 70 Cm band will suffer interference at a level that will preclude weak signal operations and at least degrade FM operations. The Illinois Repeater Association strongly supports the ARRL position and asks the Commission give the ARRL's comments and technical analysis great weight in its consideration of RM-10051.

V. Conclusion

The SAVI proposal is without technical merit and is not a viable request under the terms of Section 301 of the Communication Act of 1934. Therefore the Illinois Repeater Association, Inc., respectfully requests that the Commission not adopt the proposed rules regarding RFID systems at 433 MHz, but rather terminate this portion of the docket proceeding without action.

¹ *ARRL Ex Parte Presentation* to the Office of Engineering and Technology, Federal Communications Commission on January 14, 2002. Attached to ARRL Comments on ET Docket 01-278 dated February 12, 2002

Respectfully submitted,

A handwritten signature in black ink that reads "George R. Isely". The signature is written in a cursive style with a large, stylized 'G' and 'I'.

George R. Isely

Vice President
Illinois Repeater Association, Inc.

736 Fellows Street
St. Charles, IL 60174-3835
630-584-3510

February 27, 2002